

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FRANCIS (FRANK) GARNER,  
PH.D,

Plaintiff,

v.

PACIFIC NORTHWEST  
NATIONAL LABORATORY  
(AKA BATTELLE MEMORIAL  
INSTITUTE, an Ohio Nonprofit  
Corporation) and CHARLES  
HENAGER,

Defendants.

NO. CV-09-5056-RHW

**ORDER GRANTING  
PLAINTIFF'S MOTION TO  
AMEND COMPLAINT;  
REMANDING COMPLAINT TO  
BENTON COUNTY SUPERIOR  
COURT**

Before the Court is Plaintiff's Motion to Amend Complaint (Ct. Rec. 15).  
The motion was heard without oral argument.

Plaintiff seeks to file an Amended Complaint. The Court grants Plaintiff's motion. With the filing of the Amended Complaint, Plaintiff eliminated all allegations that would support a federal claim. The Court declines to exercise supplemental jurisdiction over the remaining state claims in the interest of judicial economy, convenience, fairness, and comity. *See Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988).

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion to Amend Complaint (Ct. Rec. 15) is **GRANTED**.
2. The above-captioned case is **remanded** to Benton County Superior

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1 Court.

2 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
3 Order , forward copies to counsel, and **close the file.**

4 **DATED** this 22<sup>nd</sup> day of December, 2009.

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6 *s/Robert H. Whaley*

7 ROBERT H. WHALEY  
8 United States District Judge  
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